

REMARKS

As filed, the present application contained 47 claims. In the outstanding March 31, 2010 Office Action, the Examiner has stated that the 47 claims comprise five (5) inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants respectfully respond by traversing the Restriction Requirement and, in the event that the Examiner disagrees with applicants' position, provide an election of a single group.

The Examiner has required election of a single group of claims from the following groups:

Group I, claim(s) 1-6, drawn to a co-extruded particle dosage form (class 424, subclass 489, 490).

Group II, claim(s) 7-16 and 44-46, drawn to a co-extruded particle dosage form and method of reducing abuse (class 424, subclass 458, 489, 490).

Group III, claim(s) 17-31 and 47, drawn to an oral co-extruded particle dosage form and method of reducing abuse (class 424, subclass 490).

Group IV, claim(s) 32-40, drawn to a process of making a co-extruded particle and dosage form (class 264, subclass 464).

Group V, claim(s) 41-43, drawn to a process for treating pain (class 424, subclass 490).

As support for the Restriction Requirement, the Examiner stated the following:

The inventions listed as Groups I -V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Each of the various groups entail co-extruded particulates. Each group is distinct in that they provide unique dosage forms (i.e., oral versus non-oral) and unique process steps for the method of making and method of treating pain in a patient. The particular features in each individual group are not necessarily required for the other group. Thus, each group would impart a materially different mode of operation, different design, function and consequently, different effects.

As the Examiner acknowledges, each of the five groups comprise co-extruded particles. Further, the co-extruded particles in each group comprise an adverse agent and a sheath. Further, the Examiner repeatedly cites to the same subclass of class 424 as classification of four of the five groups of inventions. It is thus submitted that there is unity of invention pursuant to PCT Rule 13.1.

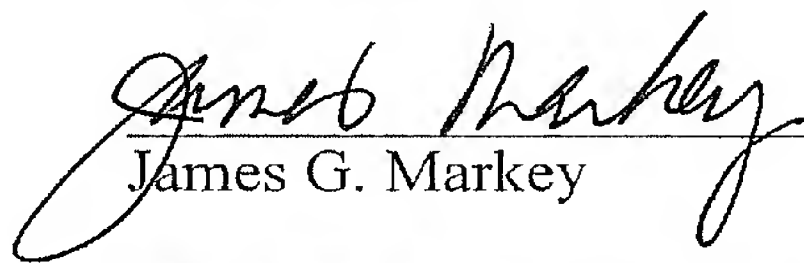
It is particularly noted that Group I, Group II and Group III each recite co-extruded particles or dosage forms comprising co-extruded particles, and each is classified within, *inter alia*, class 424, subclass 490. Thus, it is submitted that at least Groups I, II and III satisfy the unity of invention requirement of PCT Rule 13.1.

In the event that the Examiner continues to maintain that election of a single group of claims is required, applicants elect to prosecute the claims of Group III, claims 17-31 and 47.

It is believed that no fees other than the fee for the extension of time are due for the present response. However, if any fees become due in the present invention, please charge the required fee to Duane Morris LLP Deposit Account No. 04-1679.

Respectfully submitted,

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Enclosures